IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4289 OF 2006

Smt. Hirabai W. Deshmukh & Ors. .... Petitioners
Vs.
Nandlal @ Handkumar S. Joshi .... Respondent

Mr. Harshad Bhadbhade for the Petitioners
Mr. M.M. Sathaye for for respondent nos. 1 to 4.

CORAM : R.M. SAVANT, J.
DATE : 13TH JUNE, 2007

P.C.

1) This petition impugns the order dated 6th March 2006 by which the application Exhibit 92 filed by the respondent herein has been allowed. Resultantly the witness summons to be issued to the Assistant Director of Town Planning to produce the documents, has been permitted.

2) I heard learned counsel for the parties. Shri Sathaye, learned counsel for the respondents states that the impugned order has already been given effect to and documents produced by the Assistant Director have already been placed on record on 23/3/2006 in the trial Court. Apart from it, I do not find any merit in the petitioner's

challenge as in my view, the trial Court is entitled to take such steps as necessary for a full and final adjudication of the disputes before it.

3) No interference is therefore called for in the writ jurisdiction under Article 227 of the Constitution of India. However, in the interest of justice, costs awarded to the petitioner of Rs.500/- by the trial Court are enhanced to Rs.3,000/-. The respondents to pay said costs or the balance thereof within three weeks from today in the trial Court.

(R.M. SAVANT, J.)